IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.52630-M of 2006

DATE OF DECISION:21.11.2006

Vikas Walia .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Aman Chaudhary, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

Shri Avnish Mittal, Advocate
for the complainant.

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Petitioner Vikas Walia apprehending his arrest in a non-bailable offence in case FIR No. 121 dated 2.8.2006 under Sections 406/420/506 IPC, registered at Police Station Mandi Gobindgarh District Fatehgarh Sahib, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the petitioner has been implicated in the aforesaid case merely because he is the brother of Vivek Walia, who allegedly issued a cheque to the complainant, which according to the complainant, has been dishonoured. Counsel contends that the petitioner has no connection with the business of Vivek Walia and even if the cheque has been dishonoured, then the complainant has a right to file a complaint under Section 138 of the Negotiable Instruments Act.

Counsel further contends that the main accused in this case is Vivek Walia, who has already been arrested.

Counsel for the petitioner further submits that in view of the order dated 1.9.2006, the petitioner has joined the investigation. Counsel for the respondent-State does not dispute this fact and further states that challan has also been presented in the Court. Thus the petitioner is no more required for further interrogation.

In view of the above, the interim bail, granted vide order dated 1.9.2006 is made absolute.

Disposed of accordingly.

November 21, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**